REMARKS

This Application has been carefully reviewed in light of the Office Action mailed July 10, 2009. At the time of the Office Action, Claims 12-24 were pending in this Application. Claims 12-24 were rejected. Claim 12 has been amended. Claims 1-11 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 12-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over International Patent Publication No. WO 02/43414 by Miraj Mostafa ("*Mostafa*") in view of U.S. Patent No. 6,061,696 issued to Richard Daniel Lee et al. ("*Lee*") (together, the "proposed *Mostafa-Lee* combination"). Applicants respectfully traverse as the cited art combination, even if proper, which Applicants do not concede, does not render the claims obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

The proposed *Mostafa-Lee* combination fails to teach each and every element of Applicants' claims. For example, the proposed *Mostafa-Lee* combination fails to teach at least the following features of independent Claim 12, as amended:

> after the conversion, automatically updating a preexisting link either in the data or between different data elements maintain a validity of the preexisting link.

Specifically, the proposed *Mostafa-Lee* combination fails to teach *automatically updating a preexisting link either in the data or between different data elements maintain a validity of the preexisting link.*

The Examiner agrees with Applications that *Mostafa* does not disclose this feature. Office Action at 3–4. However, the Examiner argues that *Lee* provides an applicable teaching: "Lee teaches of updating a link, after format conversion to maintain a validity of the link in the data between different data elements (Col 2, Lines 45 – 67 to Col 3, Lines 1 – 20

and Figs. 8 and 12)." Office Action at 4. However, the cited portion of *Lee* does not teach or suggest *automatically updating a preexisting link either in the data or between different data elements maintain a validity of the preexisting link.*

  Lee describes a website editing application that allows a user to edit a data file, e.g., a native image file such as RGB, in one format and automatically propagate any changes into a web compatible format, e.g., JPG, for immediate viewing within a web page editor or browser. *Lee*, col. 3, ll.7–15. The Examiner appears to be analogizing a media file, as discussed in *Lee*, with a "data element" recited in Applicants' claims. However, Claim 12 recites updating a "a preexisting link either in the data or between different data elements." Thus, the Examiner's analogy fails because *Lee* does not teach anything similar to a *link*—either in or between the media files—that is automatically updated.

  Lee does not disclose automatically updating a preexisting link after a media file conversion. The application disclosed in *Lee* allows the user to specify the original media file name 86, local media file name 87 and published URL referencing the local media file 87 (*Lee*, fig. 8 and col. 8, ll.16–19). *Lee* simply converts the contents of the original file and saves the converted contents to the local file every time the original file is modified by the user (*Lee*, col. 6, ll.47–59). Therefore, the application disclosed in *Lee* does not automatically update a preexisting *link* to data, but only updates the contents of the local *file*, preexisting or otherwise. *Lee*, col. 6, l.66–col. 7, l.2. *Lee* explains: "After Cosmo™ Create has converted (if necessary) and saved a local copy of the object file, the Cosmo™ Create window is refreshed to display the page with the altered object (step 374)." *Id.* After the file conversion, the viewing window is merely refreshed with an updated copy of the converted image. *Lee* does not teach automatically updating a preexisting link within the displayed web page after the file conversion to maintain the validity of that preexisting link. Thus, *Lee* does not teach or suggest *automatically updating a preexisting link either in the data or between different data elements maintain a validity of the preexisting link.*

  Even if a person of ordinary skill in the art would consider the teachings of *Lee* in view of *Mostafa*—a proposition Applicants dispute—that person would not know to automatically update a preexisting link to maintain its validity. The proposed *Mostafa-Lee* combination might be able to convert the data of an MMS packet, but would rely on the user

to manually link that newly converted data, in advance of the conversion, so that it could be viewed after conversion.

For at least these reasons, amended independent Claim 12 is allowable over the proposed *Mostafa-Lee* combination. Therefore Applicants respectfully request reconsideration and allowance of Claim 12 and Claims 13–17 that depend from Claim 12.

In another example, the proposed *Mostafa-Lee* combination fails to teach at least the following features of independent Claim 18:

> an apparatus for receiving the data from the first subscriber terminal wherein the apparatus performs at least one of a data type and a data format conversion on at least one of the data elements in accordance with a profile of a second subscriber terminal which is to receive the data, and automatically updates a preexisting link in the MMS data linking the different data elements, including the at least one converted data element within the MMS data, after the conversion, to maintain a validity of the preexisting link in the data between the different data elements.

For at least the same reasons discussed above with respect to independent Claim 12, the proposed *Mostafa-Lee* combination fails to teach an apparatus that *automatically updates a preexisting link in the MMS data linking the different data elements* to *maintain a validity of the preexisting link*. Therefore, Applicants respectfully request reconsideration and allowance of Claim 18 and Claims 19–23 that depend from Claim 18.

In another example, the proposed *Mostafa-Lee* combination fails to teach at least the following features of independent Claim 24:

> to automatically update a preexisting link in the MMS data linking the different data elements, including the at least one converted data element within the MMS data, after the conversion, to maintain a validity of the preexisting link in the data between different data elements prior to the data being sent to the further subscriber.

For at least the same reasons discussed above with respect to independent Claim 12, the proposed *Mostafa-Lee* combination fails to teach a computer program enabled to *automatically update a preexisting link in the MMS data linking the different data elements* to

maintain a validity of the preexisting link. Therefore, Applicants respectfully request reconsideration and allowance of Claim 24.

In view of the above arguments, Applicants' respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn. Applicants respectfully submit that the dependent claims are allowable at least to the extent of the independent claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. § 103(a), including any arguments made earlier in this case.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants respectfully submit a Petition for One-Month Extension of Time. The Commissioner is authorized to charge the fee of $130.00 required to Deposit Account 50-4871 in order to effectuate this filing.

Applicants believe there are no fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2031.

Respectfully submitted,
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Date: Oct. 15, 2052

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